

1 BILL NO. Z-87-02-23

2 ZONING MAP ORDINANCE NO. Z-03-87

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. K-27.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
6 FORT WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is
8 hereby designated a POD (Professional Office District under
9 the terms of Chapter 33 of the Code of the City of Fort
10 Wayne, Indiana of 1974:

11 EXHIBIT "A"

12 Part of Richardville Reserve, West of St. Mary's River
13 in Township 30 North, Range 12 East, Allen County,
14 Indiana, described as follow:

15 Commencing at the Southwest corner of Lot 5 in
16 Richardville Reserve; thence Northeasterly along the
17 Northwesterly line of said Lot 5 on an assumed bearing
18 of North 26 degrees 30 minutes 00 seconds East 1430.3
19 feet; thence South 76 degrees 38 minutes 18 seconds
20 East 471.08 feet; thence North 41 degrees 21 minutes 42
21 seconds East 227.55 feet; thence South 48 degrees 38
22 minutes 18 seconds East 262.01 feet; thence North 26
23 degrees 30 minutes 00 seconds East 670.00 feet to the
24 Point of Beginning; thence North 76 degrees 38 minutes
25 18 seconds West 220.78 feet to the Easterly right-of-
26 way line of Mill Run Drive; thence North 26 degrees 30
27 minutes 00 seconds East 350.00 feet to the Southerly
28 right-of-way of Lower Huntington Road; thence South 76
29 degrees 38 minutes 18 seconds East on said right-of-way
30 line 220.78 feet; thence South 26 degrees 30 minutes 00
31 seconds West 350.00 feet to the Point of Beginning;
32 containing 1.728 acres and subject to easements and
rights of way of record.

ALSO:

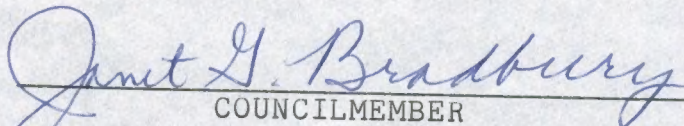
Part of Richardville Reserve, West of St. Mary's
River in Township 30 North, Range 12 East, Allen
County, Indiana, described as follows:

Commencing at the Southwest corner of Lot 5 of said
Richardville Reserve; thence Northeasterly along the
Northwesterly line of said Lot 5 on an assumed bearing
of North 26 degrees 30 minutes 00 seconds East 1430.3
feet; thence South 76 degrees 38 minutes 18 seconds
East 471.08 feet; thence North 41 degrees 21 minutes 42
seconds East 227.55 feet; thence South 48 degrees 38
minutes 18 seconds East 262.01 feet; thence North 26
degrees 30 minutes 00 seconds East 670.00 feet; thence
North 76 degrees 38 minutes 18 seconds West 272.12 feet
to the Westerly right-of-way

1 line of Mill Run Drive and the Point of Beginning;
2 thence North 76 degrees 38 minutes 18 seconds West
3 488.76 feet to the Easterly right-of-way line of Baer
4 Field Thruway; thence Northeasterly along said right-
5 of-way line and along an arc to the left having a
6 radius of 2934.79 feet and a cord bearing North 21
7 degrees 03 minutes 20 seconds East 123.43 feet, a
8 distance of 123.44 feet; thence North 20 degrees 20
9 minutes 52 seconds East, continuing along said right-
10 of-way line 98.34 feet to the West line of Lot 5 of
11 said Richardville Reserve; thence North 26 degrees 30
12 minutes 00 seconds East, continuing along said right-
13 of-way line and along said West line of Richardville
14 Reserve a distance of 119.03 feet to the Southerly
15 right-of-way line of Lower Huntington Road; thence
16 South 76 degrees 38 minutes 18 seconds East along said
17 right-of-way line 251.47 feet; thence North 13 degrees
18 21 minutes 42 seconds East continuing along said right
19 of way line 5.00 feet; thence South 76 degrees 38
20 minutes 18 seconds East, continuing along said right-
21 of-way line 221.15 feet to the Westerly right-of-way
22 line of Mill Run Drive; thence South 19 degrees 00
23 minutes 00 seconds West, along said right-of-way 229.58
24 feet; thence South 26 degrees 30 minutes 00 seconds
25 West continuing along said right-of-way line 43.86 feet
26 to the Point of Beginning; containing 3.78 acres, more
27 or less, and subject to easements and rights of way of
28 record.

15 and the symbols of the City of Fort Wayne Zoning Map No. K-
16 27, as established by Section 11 of Chapter 33 of the Code
17 of the City of Fort Wayne, Indiana are hereby changed
18 accordingly.

19 SECTION 2. That this Ordinance shall be in full force
20 and effect from and after its passage and approval by the
21 Mayor.

22
23 
24 COUNCILMEMBER

25 APPROVED AS TO FORM AND LEGALITY:

26 
27 BRUCE O. BOXBERGER, CITY ATTORNEY
28
29
30
31
32

Read the first time in full and on motion by Bradbury
seconded by Redd, and duly adopted, read the second time
by title and referred to the Committee (and the
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne
Indiana, on _____, the _____ day of _____
19____, at _____ o'clock _____ M.

DATE: 2-24-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury
seconded by Redd, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 3-24-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-03-87

on the 24th day of March, 1987

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark E. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana
on the 25th day of March, 1987
at the hour of 11:30 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 26th day of March
1987, at the hour of 3:00 o'clock P. M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

Admn. Appr.

COUNCILMANIC DISTRICT No.

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 7200 Block of Mill Run Drive

EFFECT OF PASSAGE Property is presently zoned RB - Suburban Residential.
Property will become POD - Professional Office District.

EFFECT OF NON-PASSAGE Property will remain an RB - Suburban Residential District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.))

Division of Community Development & Planning

BRIEF TITLE

Zoning Map Amendment

APPROVAL DEADLINE

REASON

From RB to POD

DETAILS

Specific Location and/or Address

7200 Block of Mill Run Drive

Reason for Project

To develop a Professional Office Park.

Discussion (Including relationship to other Council actions)

23 February 1987 - Public Hearing

Mike Todoran, developer with Willow Creek Ltd., stated that they are also the developers and owners of the multi-family property that bounds this property on the south and east. He stated that they have been involved in those properties since 1979. He stated they propose to construct 6 single story buildings each approximately 5500 sq ft on the corner of Lower Huntington and Baer Field Thruway. He stated that the zoning they are requesting allows for professional use only and no retail. He stated they want to develop the property in a way that would be compatible with the adjacent property.

Sally Oswald, 1108 Lwr Huntington Road
Boris Kuzeff, 1006 Lwr Huntington Road

The concerns stated were over increased traffic flow and the question of whether the developer would be required to put a traffic signal at Penmoken Drive and Lower Huntington Road. It was felt that turn lanes should be provided.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

Willow Creek Ltd

City Department

Other

Opponents

Groups or Individuals

Ted & Sally Oswald

Boris Kuzeff

Basis of Opposition

-increased traffic congestion
-types of uses allowed
not be compatible with area

Staff
Recommendation☒ For☐ Against

Reason Against

Board or
Commission
Recommendation

By

☒ For☐ Against☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL
ACTIONS
(For Council
use only)☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

Ted Oswald questioned if this property was not developed by the present developer what would be allowed on the property due to the rezoning.

Steve Smith stated that if the property is zoned POD and this developer fails to develop his project the only use allowed would be for professional offices. He stated that anyone wanting to develop the property would have to come back to the Commission with a new primary and secondary development plan for public hearing and approval by the Commission.

Mike Todoran in rebuttal stated that Baer Field Thruway is a 4-lane highway and the part of Lower Huntington Road that bounds their property is also 4-lanes. He stated that although they have no excel-decel lanes there are two lanes in either direction for thru traffic to allow slower traffic entering the property either to enter or exit. He stated due to the nature of the development being offices they felt the traffic would not conflict with the people leaving the apartments in the morning or coming home in the evening. He stated they also have two exits to the property of Willow Creek Apartments the other being Lakeridge Drive. He stated that they do intend to landscape. He stated they felt the development would serve as a buffer between the multi-family and single family areas.

Janet Bradbury questioned what the projected daily traffic counts would be.

Mr. Todoran stated possibly 75 to 100 cars a day.

Steve Smith requested that staff obtain more

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

information from street & traffic engineering prior to the business meeting, with regard to the issue of traffic congestion and the number of accidents at this location and if they feel there is a need for a traffic signal.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

2 March 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation, motion carried.

Of the eight members present 7 voted in favor of approval one (1) did not vote.

Project Start

Date 23 January 1987

Projected Completion or Occupancy

Date 3 March 1987

Fact Sheet Prepared by

Patricia Biancaniello

Date 3 March 1987

Reviewed by

Darryl Back
Reference or Case Number

Date

6 March 1987

RECEIPT

No 1172

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 1-23 1957

RECEIVED FROM Wm. H. Beck Bldg. Dept \$ 50.00

THE SUM OF fifty & 00/100 DOLLARS

ON ACCOUNT OF RB to P.O.D.

AUTHORIZED SIGNATURE [Signature]

RECEIPT NO. _____

DATE FILED _____

THIS IS TO BE FILED IN DUPLICATE

INTENDED USE _____

COLONIAL INVESTMENT CORPORATION, an Indiana corporation, by Darryl B. ~~XXX~~ Enstrom, Executive Vice President, and Thomas S. Talarico, Treasurer, does
(Applicant's Name or Names)

~~do~~ hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne
Indiana, by reclassifying from a/an ^{RB} District to a/an P.O.D.
District the property described as follows:

See attached Exhibit "A".

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

7200 Block of Mill Run Drive

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that ~~XXXXXX~~ Colonial Investment Corporation is the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Darryl B. Enstrom,
Executive Vice President

333 E. Washington Blvd.
Fort Wayne, IN 46802

Thomas S. Talarico,
Treasurer

333 E. Washington Blvd.
Fort Wayne, IN 46802

Darryl B. Enstrom
Exec. Vice Pres.
Thomas S. Talarico
Treasurer

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Richard E. Fox, Esq.

P.O. Box 2263

Fort Wayne, IN 46801-2263

(219)423-9551

(Name)

(Address & Zip Code)

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning
and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street,
Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

EXHIBIT "A"

Part of Richardville Reserve, West of St. Mary's River in Township 30 North, Range 12 East, Allen County, Indiana, described as follows:

Commencing at the Southwest corner of Lot 5 in Richardville Reserve; thence Northeasterly along the Northwestern line of said Lot 5 on an assumed bearing of North 26 degrees 30 minutes 00 seconds East 1430.3 feet; thence South 76 degrees 38 minutes 18 seconds East 471.08 feet; thence North 41 degrees 21 minutes 42 seconds East 227.55 feet; thence South 48 degrees 38 minutes 18 seconds East 262.01 feet; thence North 26 degrees 30 minutes 00 seconds East 670.00 feet to the Point of Beginning; thence North 76 degrees 38 minutes 18 seconds West 220.78 feet to the Easterly right of way line of Mill Run Drive; thence North 26 degrees 30 minutes 00 seconds East 350.00 feet to the Southerly right of way of Lower Huntington Road; thence South 76 degrees 38 minutes 18 seconds East on said right of way line 220.78 feet; thence South 26 degrees 30 minutes 00 seconds West 350.00 feet to the Point of Beginning; containing 1.728 acres and subject to easements and rights of way of record.

ALSO:

Part of Richardville Reserve, West of St. Mary's River in Township 30 North, Range 12 East, Allen County, Indiana, described as follows:

Commencing at the Southwest corner of Lot 5 of said Richardville Reserve; thence Northeasterly along the Northwestern line of said Lot 5 on an assumed bearing of North 26 degrees 30 minutes 00 seconds East 1430.3 feet; thence South 76 degrees 38 minutes 18 seconds East 471.08 feet; thence North 41 degrees 21 minutes 42 seconds East 227.55 feet; thence South 48 degrees 38 minutes 18 seconds East 262.01 feet; thence North 26 degrees 30 minutes 00 seconds East 670.00 feet; thence North 76 degrees 38 minutes 18 seconds West 272.12 feet to the Westerly right of way line of Mill Run Drive and the Point of Beginning; thence North 76 degrees 38 minutes 18 seconds West 488.76 feet to the Easterly right of way line of Baer Field Thruway; thence Northeasterly along said right of way line and along an arc to the left having a radius of 2934.79 feet and a cord bearing North 21 degrees 03 minutes 20 seconds East 123.43 feet, a distance of 123.44 feet; thence North 20 degrees 20 minutes 52 seconds East, continuing along said right of way line 98.34 feet to the West line of Lot 5 of said Richardville Reserve; thence North 26 degrees 30 minutes 00 seconds East, continuing along said right of way line and along said West line of Richardville Reserve a distance of 119.03 feet to the Southerly right of way line of Lower Huntington Road; thence South 76 degrees 38 minutes 18 seconds East along said right of way line 251.47 feet; thence North 13 degrees 21 minutes 42 seconds East continuing along said right of way line 5.00 feet; thence South 76 degrees 38 minutes 18 seconds East, continuing along said right of way line 221.15 feet to the Westerly right of way line of Mill Run Drive; thence South 19 degrees 00 minutes 00 seconds West, along said right of way 229.58 feet; thence South 26 degrees 30 minutes 00 seconds West continuing along said right of way line 43.86 feet to the Point of Beginning; containing 3.78 acres, more or less, and subject to easements and rights of way of record.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on February 24, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-02-23; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on February 23, 1987.

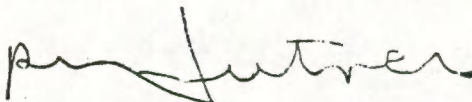
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 2, 1987.

Certified and signed this
3rd day of March 1987.



Robert Hutner
Secretary

BILL NO. Z-87-02-23

REPORT OF THE COMMITTEE ON REGULATIONS

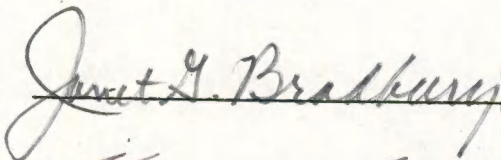
WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort
Wayne Zoning Map No. K-27

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(~~RESOLUTION~~) Do Pass

YES

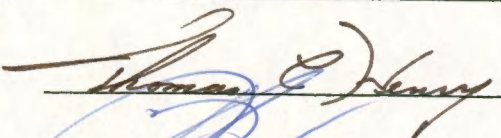
NO



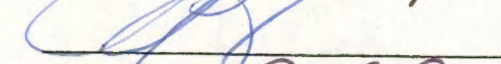
JANET G. BRADBURY
CHAIRPERSON



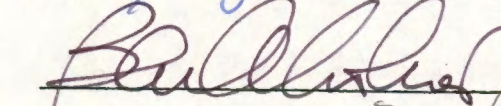
CHARLES B. REDD
VICE CHAIRMAN



THOMAS C. HENRY



PAUL M. BURNS



BEN A. EISBART

CONCURRED IN 3-24-87

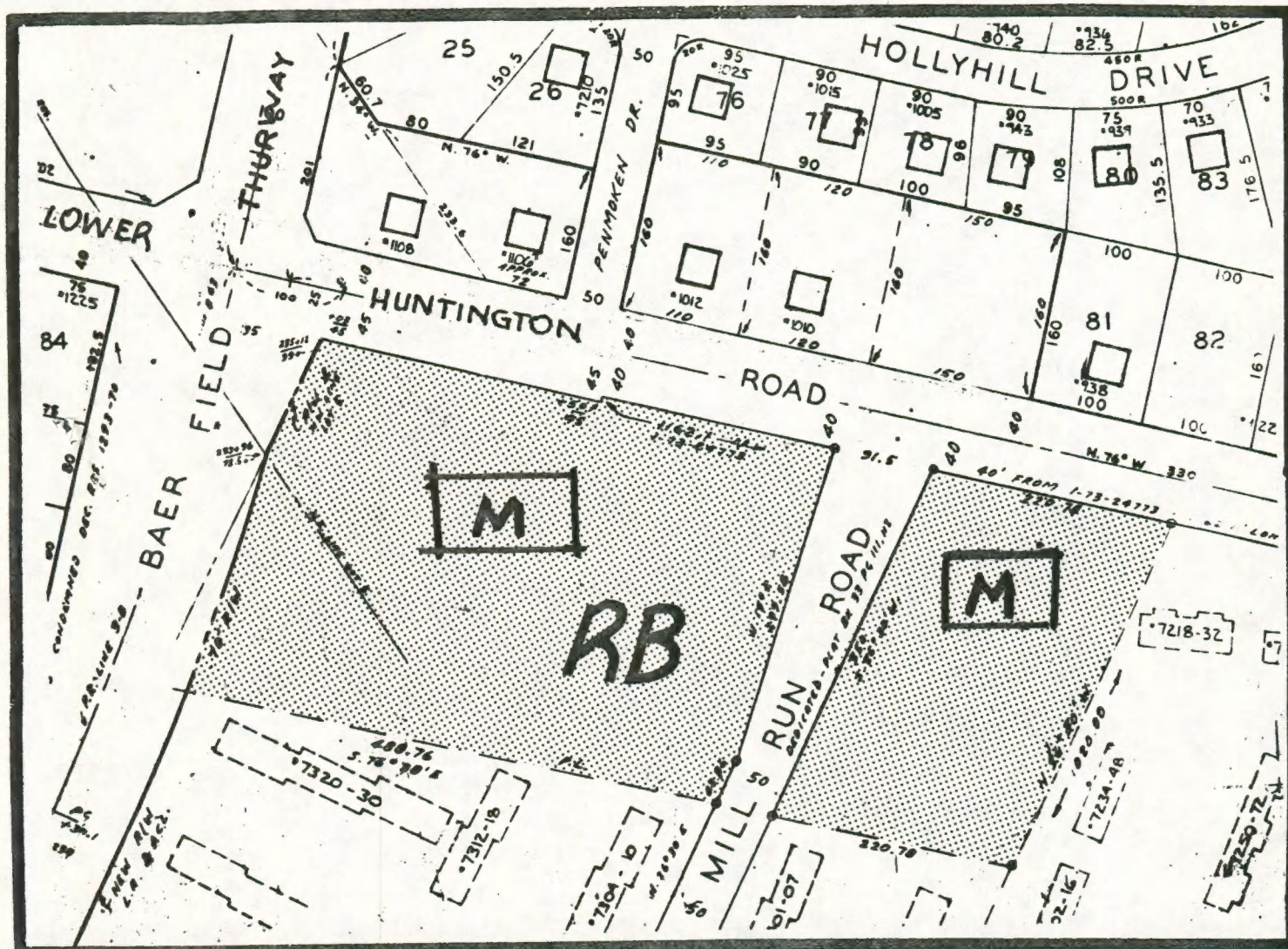
SANDRA E. KENNEDY
CITY CLERK

REZONING PETITION #252

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A RB DISTRICT TO A P.O.D. DISTRICT.

MAP NO. K-27

COUNCILMANIC DISTRICT. NO. 4



ZONING:

RB RESIDENCE 'B'

LAND USE:

- ☐ SINGLE FAMILY
- ☒ MULTI-FAMILY

SCALE: 1"=160'

DATE: 1-29-87

L.W

